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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,572	07/12/2000	Ian N. Robb	TREES-55071	2222

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EXAMINER

CHANG, JUNGWON

ART UNIT PAPER NUMBER

2154

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,572

Applicant(s)

ROBB ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

24

DETAILED ACTION

1. Claims 1-32 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 13-21 and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al. (US 6,448,980 B1), hereinafter Kumar.

4. As to claims 1, 13, 18, 25 and 30, Kumar discloses the invention as claimed, including in an information network having at least one character-enabled network site

(col. 3, lines 16-25), a method of presenting data to a network user based on choices made by the user while within a character-enabled network site (col. 3, lines 26-58), said method comprising the steps of:

creating a character having a plurality of attributes (col. 2, lines 2-9), each attribute selected by the user from a plurality of attributes presented to the user through a user interface (208, fig. 2A) to create a persona for the character (col. 1, lines 57-62; col. 2, lines 21-28 and 65-67), each attribute defined by at least one of either audio data and visual image data (col. 3, lines 55-58); and

providing to the user interface, at least one of either an audio presentation and a visual image presentation (112, 114, fig. 1) selected from a plurality of presentations based on the persona of the character created (col. 3, lines 55-58; col. 1, lines 21-25; col. 2, lines 42-45).

5. As to claim 29, it is rejected for the same reasons set forth in claims 1, 13, 18 and 25 above. In addition, Kumar discloses storing at least one of either audio data and visual image data of a plurality of characters, each character having at least one associated modifiable attribute (col. 5, lines 4-32); presenting the plurality of characters to the user through the user interface (208, fig. 2A) for selection by the user (col. 2, lines 21-28 and 65-67; col. 3, lines 52-58).

6. As to claim 2, Kumar discloses each attribute comprises at least one of a physical characteristic, emotional characteristic and personal interest of the character

(col. 5, lines 9-14).

7. As to claims 3 and 7, Kumar discloses storing persona data indicative of the selected attributes (col. 5, lines 14-17).

8. As to claim 4, Kumar discloses storing the persona data in a database such that the character may be recreated for future use (col. 5, lines 12-14).

9. As to claims 5, 6 and 8, Kumar discloses the plurality of presentations comprises at least one of either a visual image displayed on the user interface and sound heard through the user interface (112, 114, fig. 1; col. 1, lines 21-25; col. 2, lines 42-45 col. 3, lines 55-58).

10. As to claims 14, 17, 19, 24 and 26, they are rejected for the same reasons set forth in claims 3 and 7 above.

11. As to claims 15, 16, 20, 21, 27 and 28, they are rejected for the same reasons set forth in claims 5 and 6 above.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9-12, 22, 23, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al. (US 6,448,980 B1), as applied to claims 1-8, 13-21, 24-30 and 32 above.

14. As to claims 9-12, Kumar does not specifically disclose information network comprises a plurality of other character-enabled network sites; and user accesses another character-enabled network site. However, Kumar discloses Internet (201, fig. 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include network such as Internet because doing so would allows to connect multiple computers together such that the users of computers access the same information and share data.

15. As to claim 31, it is rejected for the same reasons set forth in claims 1, 13, 18, 25 and 30 above. Kumar does not specifically disclose sharing data among network users. However, However, Kumar discloses Internet (201, fig. 2B). It would have been obvious

Art Unit: 2154

to one of ordinary skill in the art at the time the invention was made to include sharing data among network users because Internet is well known as a network that allows multiple computers to connect together such that the users of computers access the same information and share data.

16. As to claim 32, Kumar discloses updating the character profile (col. 5, lines 33-50; col. 10, lines 48-59).

17. As to claims 22 and 23, they are rejected for the same reasons set forth in claims 9-12 above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Yamamoto, patent 6,577,998 B1, Gibbons et al, patent 6,100,881, Roy, patent 6,600,725 B1, Rakavy et al, patent 6,539,429 B2 disclose method and system for creating interactive multimedia presentation.

Myers et al, Survey on User Interface Programming disclose method and system to conduct survey of user interface programming.

19. Any inquiry concerning this communication or earlier communications from the

Art Unit: 2154

examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
September 5, 2003



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